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Confirmation No. 4021
Filing Date October 6, 2000
Inventorship Krishnamoorthy, et al.
Group Art Unit 2154
Examiner Lee, Phillip C.
Attorney's Docket No. 200308343-1
Title: Modular, Dynamically Extensible, and Integrated Storage Area Network Management System

PRE-APPEAL REQUEST FOR REVIEW OF FINAL OFFICE ACTION**MAILED SEPTEMBER 22, 2005**

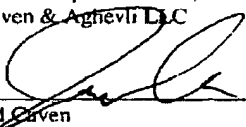
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Applicant requests a pre-appeal review of the final rejection in the above-identified application which was mailed August 26, 2005. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated on the following sheets.

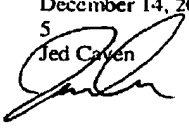
Respectfully Submitted,
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Dated: December 14, 2005

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ATTORNEY'S DOCKET NO. 200308343-1

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REQUEST FOR PRE-APPEAL REVIEW

Applicant requests a pre-appeal review of this application in view of the following remarks.

I. Outstanding Rejections

Independent claim 18 and dependent claims 19-28, 30, and 31 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,654,801 to Mann ("Mann"). The arguments in prosecution of this application have focused on whether Mann fails to disclose or suggest elements recited in independent claim 18.

II. The Office Actions Fail to Establish a Prima Facie Case of Obviousness

The Office has failed to meet the criteria set forth in MPEP §2143 to establish a *prima facie* case of obviousness with respect to independent claim 18. To establish a *prima facie* case of obviousness the Action must establish that all limitations recited in the claim are disclosed or suggested by the cited reference. See, MPEP 2143.03. The final Action fails to establish a *prima facie* case of obviousness because Mann fails to disclose (or even to suggest) numerous features recited in the independent claim 18.

A. Mann Fails to Disclose or Suggest A Protocol-Dependent Sublayer that Supports Device-Type Specific Protocols

Claim 18 recites the limitation of "an integrated management agent capable of managing components of a storage area network (SAN), the integrated management agent comprising a device agent." The final Action asserts that Mann teaches this limitation, and appears to equate the Network Control Console, Point of Presence, and Broker described in Mann at column 4, lines 40-53 to the integrated management agent recited in claim 18.

Claim 18 further recites the limitation that "the device agent comprising an object-based device handler sublayer and a protocol-dependent device handler sublayer, the protocol-dependent device handler sublayer comprising multiple modules, *each respective*

module of the multiple modules adapted to support a respective device-type-specific protocol."

The final Action asserts that Mann teaches this limitation, and cites column 6, lines 13-41 and Fig. 1 to support the rejection. Applicant disagrees. The cited text reads as follows:

Referring back to FIG. 1 information bus 22 serves to handle communication requests and responses originating from Point of Presence (POP) 26, NOC 16 or other PoPs and/or NOCs within the data communications network 10. The PoP 26 is one of many PoPs with which the information bus 22 is in communication. Located within PoP 26 is a host or node 28. The node 28 is in communication with the information bus 22 through control adapter 30 and one or more service adapters 32 that are connected with the various services that are used on the node 28. PoPs, such as the simplified example shown in FIG. 1, are located throughout the distributed data communications network. PoPs will generally comprise more services than are shown in FIG. 1 and may include more than one node handling network management interface capabilities. It is the task of the network management system of this invention to manage all the services and interfaces housed at the numerous PoPs comprising the comprehensive network.

By way of example, node 28 of FIG. 1 is configured with protocol gateway service 34, Authentication, Authorization and Accounting (AAA) service 36, Domain Name System (DNS) service 38, Dynamic Host Configuration Protocol (DHCP) service 40 and cache service 42. Node 28 may have single instances of each service running or may have multiple instances of a service running. Additionally, node 28 is not confined to having only one service component of a specific type associated with it, i.e., node 28 can be configured to have two or more AAA services, DNS services, DHCP services . . . etc. in communication with node 28. Those of ordinary skill in the art will appreciate that the services shown are not intended to be limiting and that other services and other service configurations can be used without departing from the inventive concepts herein disclosed. Not all services need to be running at each PoP and a PoP may comprise one or more host computers on which one or more of the services may be running.

In the Examiner's remarks in paragraph 39 of the final Action, the Examiner appears to assert that Mann discloses installing a new service component, which the Examiner appears to equate to a protocol-specific module, must be installed to the node handling network management interface, and cites column 6, lines 31-35, column 10, lines 19-39, and column 12, lines 13-22 to support the assertion. Applicants disagree, and assert that the Examiner's position is factually incorrect. As noted above, contrary to the Examiner's assertion, none of the service components described in column 6, lines 31-36 correspond to a *device-type specific protocol*, as recited in the claim. To the contrary, the service components described

in Mann are generally applicable to multiple different types of devices; they service components are *not* device-type specific protocols.

The cited section of Mann fails to disclose or suggest a *protocol-dependent sublayer that supports device-type specific protocols*, as recited in claim 18. Accordingly, the final Action fails to establish a *prima facie* case of obviousness.

B. Mann Fails to Disclose or Suggest A Device-Type Specific Protocol that may be Installed to or Uninstalled from a Protocol-Dependent Handler Sublayer While the Integrated Management Agent is Running

Claim 18 further recites a limitation of “wherein a particular module of the multiple modules that is adapted to support a particular device-type-specific protocol may be installed to or uninstalled from the protocol-dependent device handler sublayer independently of other modules of the multiple modules while the integrated management agent is running.” The final Action asserts that Mann teaches this limitation, and cites column 12, lines 13-47 to support the rejection. Applicant disagrees. The cited text reads as follows:

FIG. 6 is a flow chart illustrating a method for seamless integration of a new service or node within a data communications network management system, in accordance with a presently preferred embodiment of the present invention. At 300, a node or service is started manually at a Point of Presence within a data communications network. Manually, in this sense, refers to a service or node that is started or added at one of the numerous PoPs in the distributed data communications network without a command to do so being issued from the network management operation center. The service or node being started has an associated service or control adapter running and is in communication with an information bus. At 310, the newly started node or service begins sending out operational status signals over the information bus. These signals are published as heartbeat events on to an information bus. Heartbeat events are published at a prescribed interval to alert subscribing entities that a specific node or service is still functional.

At 320, these signals are received by an unknowing network management control host. The host has no identity information in its database for this new service or node, therefore, at 330, the network management control host sends out signals requesting identification information. These signals are published as discover events by the database adapter. At 340, these identification request signals are received by the new service or node and the associated control adapter or service adapter sends signals with the requested identification information supplied therein. These events are published as identity events in response to received discover events. At 350, the subscribing network management control host receives the identity information and stores such in its database. The new service or node has now

been integrated into the data communications network management system and the identifying information is kept on file for future reference.

Contrary to the assertion in the Action, Nothing in the cited text discloses or suggests *a device-type specific protocol that may be installed to or uninstalled from a protocol-dependent handler sublayer while the integrated management agent is running*, as recited in claim 18.

In the Examiner's remarks in paragraph 40 of the final Action, the Examiner appears to assert that the Dynamic Host Configuration Protocol (DHCP) service described in column 6, lines 31-35 corresponds to a device-type specific protocol, as recited in the claim. Applicants disagree, and assert that the Examiner's position is factually incorrect. Contrary to the Examiner's assertion, none of the services described in column 6, lines 31-36 correspond to a device-type specific protocol, as recited in the claim. Further, since the services are not device-type specific protocols, the services need not be installed or uninstalled or uninstalled.

The cited section of Mann fails to disclose or suggest *a device-type specific protocol that may be installed to or uninstalled from a protocol-dependent handler sublayer while the integrated management agent is running*. Therefore, the Action fails to establish a *prima facie* case of obviousness.

Although each pending dependent claim includes additional element(s), it is respectfully submitted that the dependent claims are allowable at least for the reasons given above in connection with independent claim 18.